

REMARKS

Applicants appreciate the thorough examination of the application that is reflected in the Office Action dated June 3, 2003. Applicants amend claims 1, 3, 5, 7 and 9 to correct informalities and further define over the cited references. Applicants submit that these changes add no new matter to the application and are fully supported by the original disclosure.

Claims 1-11 are pending in the application. Reexamination and reconsideration of the application are respectfully requested.

Art-Based Rejections

The Office rejects claims 1-11 under 35 U.S.C. 102(b) as being anticipated by Gagnon (EP 1 024 661 A2).

Applicants respectfully traverse these rejections for at least the following reasons.

Claims 1 and 2

Applicants amend claim 1 by adding the limitation "interleaved." The amendments to the claims should not be construed as an admission that the original claims are unpatentable over the cited references, and are not made in response to the rejection, but instead clarify a further distinction between the Gagnon reference and claim 1.

Applicants respectfully submit that the cited reference fails to teach or suggest, for example, "transmitting broadcast overhead information interleaved with the broadcast session on the broadcast transmission channel," as recited in claim 1. For exemplary benefits associated with features of claim 1, see, for example, page 22, paragraph 1093 through page 23, paragraph 1097 of the present application. As shown in an exemplary embodiment in FIG. 22 of the application, the system provides the broadcast protocols and parameters via in-band signaling in the broadcast stream. The broadcast stream 4000 contains the broadcast content and is transmitted on the broadcast channel, such as broadcast channel 3010 of FIG. 21. Interspersed throughout the broadcast stream 4000 is SDP 4002. Since the SDP description originates from the content server (CS), the content server can improve the media quality by multiplexing the SDP message into the broadcast stream. This technique can help avoid the disadvantages of the

out-of-band methods of transmitting the protocols and parameters to the receivers because the SDP description from the CS can be multiplexed into the broadcast stream. This allows the mobile station to determine the protocol options used by the CS without setting up a packet data call. Applicants note that the claims should not be construed as being limited by this embodiment or by the particular benefits described.

In rejecting claim 1, the Office Action cites paragraphs 0084 through 0088 of the Gagnon reference. Paragraph 0085 of the Gagnon reference discloses the general concept that the SDP+ record may contain information relevant to the PPG such as text or images that should be displayed to the user. Significantly, at column 30, lines 10-15, Gagnon discloses that: "Each download service has its own SDP+ record, which is broadcast to all subscribers to inform them of the information that is available for download." (Emphasis added.)

Applicants submit, however, that the Gagnon reference does not teach or suggest "transmitting broadcast overhead information interleaved with the broadcast session on the broadcast transmission channel," as recited in claim 1. The Gagnon reference does not teach or suggest the concept of interleaving the broadcast overhead information with the broadcast session. The Gagnon reference also does not teach the concept of transmitting both broadcast overhead information and the broadcast session on a single channel. There is no indication in Gagnon that the overhead type information is provided on the same channel as the broadcast content.

Thus, Applicants respectfully submit that the cited reference fails to teach or suggest at least the above recitations of claim 1. Accordingly, Applicants respectfully submit that claim 1 is patentable over the cited reference, and that dependent claim 2 is also patentable at least by virtue of its dependency from independent claim 1, and also because claim 2 recites additional features that are neither taught nor suggested by the cited references.

Claims 3-4

Applicants further submit that independent claim 3, which requires "a session description protocol message (SDP message) interleaved with the broadcast session portion," is patentable for at least the same reasons as claim 1, and that its dependent claim 4 is also patentable at least

by virtue of its dependency from independent claim 3, and also because claim 4 recites additional features that are neither taught nor suggested by the cited references.

Claims 5-6

Applicants further submit that independent claim 5, which requires “receiving a session description protocol (SDP) message interleaved with the broadcast session on a broadcast channel,” is patentable for at least the same reasons as claim 1, and that its dependent claim 6 is also patentable at least by virtue of its dependency from independent claim 5, and also because claim 6 recites additional features that are neither taught nor suggested by the cited references.

Claims 7-11

Applicants further submit that independent claim 7, which requires “means for receiving a session description protocol (SDP) message interleaved with the broadcast session” is patentable for at least the same reasons as claim 1, and that its dependent claims 8-11 are also patentable at least by virtue of their dependency from independent claim 7, and also because claims 8-11 recite additional features that are neither taught nor suggested by the cited references.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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